

# MEMO ENDORSED

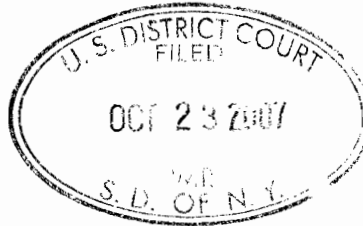
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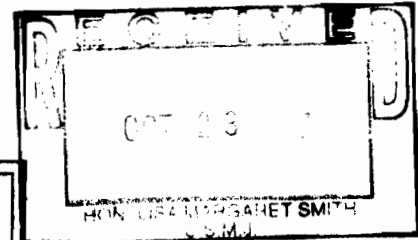
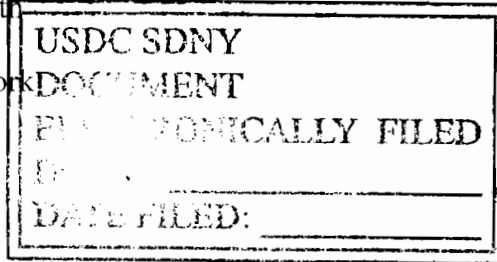
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October 22, 2007

By Federal Express

The Honorable Lisa M. Smith  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
Room 428  
White Plains, NY 10601



Re: *Medtech Products, Inc. v. DenTek Oral Care, Inc.*, No. 07 Civ. 3302 (KMK) (LMS)

Dear Judge Smith:

On behalf of Defendant DenTek Oral Care, Inc. ("DenTek"), and in accordance with Your Honor's Individual Practices, I respectfully write to seek an extension of time to respond to the Second Amended Complaint of Plaintiff Medtech Products, Inc. ("Medtech").

This request is DenTek's second application for an extension of time. The first application was made as a cross-motion in response to Medtech's motion for leave to file the amended pleading. In that cross-motion, DenTek requested an extension "up to and until the first response of the newly added defendants . . . to the amended pleading," which this Court "granted as requested" on October 11, 2007.

Since that time, I have been informed that the amended complaint was served on defendant Kelly Kaplan on October 8, 2007, and that it was also served on defendant Ray Duane on October 9, 2007. I am further informed that Medtech offered Ms. Kaplan until November 12, 2007 to respond to the pleading; I am unaware of any extension of time with respect to Mr. Duane. Thus, under the Court's October 11 Order, DenTek's time to respond to the complaint expires on Monday, October 29, 2007 because that is the date upon which Mr. Duane must file his response, unless he too receives an extension of time from Medtech.

Then, just last Friday, Medtech filed a motion for a preliminary injunction directed against all defendants, a copy of which I only received today. These papers seek injunctive relief with

Denied letter motion. Motion granted. The date for all parties shall be extended to 10/29/07. Medtech's second amended complaint to be served by the second business day.

**PROSKAUER ROSE LLP**

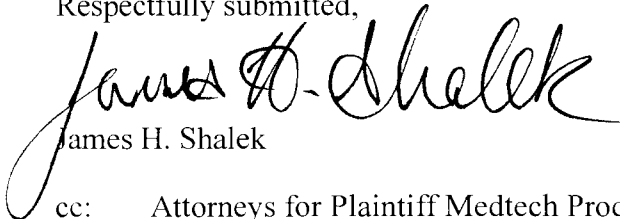
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regards to the new claims against all defendants raised by Medtech's Second Amended Complaint.

The parties are scheduled to appear before the Court next Tuesday, October 30 for a status conference, at which time a case management schedule will likely be set for all parties. It would make sense for the defendants to coordinate and respond at the same time, both as to the Second Amended Complaint and the preliminary injunction motion. While Ms. Kaplan's response to the amended pleading is not due until November 12, 2007, Dentek's current response date falls one day before the status conference. Dentek would like to participate in setting a schedule on October 30 that makes sense for all parties. Accordingly, a short extension of time to November 12, 2007 – the same day Medtech offered to Ms. Kaplan – was requested from Medtech so that an orderly, efficient, and coordinated schedule can first be entered. Medtech informed us that, because DenTek had had the pleading for some time, it would not grant the request.

Therefore, DenTek respectfully requests an extension of time from October 29, 2007 to November 12, 2007 to respond to Medtech's amended pleading.

Respectfully submitted,

  
James H. Shalek

cc: Attorneys for Plaintiff Medtech Products, Inc.